

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JASON McGEHEE, et al.,

Plaintiffs,

v.

NEBRASKA DEPARTMENT OF  
CORRECTIONAL SERVICES,

Defendant.

Case No. 4:18-CV-03092

DECLARATION OF THE PRESIDENT OF  
PHARMACY N

I, President of Pharmacy N, declare as follows:

1. I, President of Pharmacy N, am a natural person over the age of 21 and am competent to testify in this matter. I have personal knowledge of the facts contained in this declaration.

2. I am employed by Pharmacy N as its President. In that capacity I have executive authority over Pharmacy N and direct knowledge of its business decisions.

3. In order to protect the confidentiality of Pharmacy N's identity for the reasons stated herein, I must necessarily make this declaration under the pseudonym "President of Pharmacy N" in lieu of my actual legal name. Although I make this declaration under the penalty of perjury—and accordingly understand that I could be held personally criminally responsible if the statements herein are false—to make the declaration under my actual name would, of course, immediately reveal the identity of Pharmacy N itself.

4. Pharmacy N is a licensed pharmacy located in the United States of America.

5. Pharmacy N has supplied lethal injection chemicals to the Nebraska Department of Correctional Services for use in executions of death row inmates.

6. Pharmacy N's decision to supply the Nebraska Department of Correctional Services with lethal injection chemicals was contingent on Pharmacy N's identity remaining secret. If Pharmacy N had been aware at the time it agreed to supply the lethal injection chemicals that its identity would be disclosed or revealed, Pharmacy N would not have supplied the lethal injection chemicals.

7. Since Pharmacy N supplied the Nebraska Department of Correctional Services with lethal injection chemicals, Pharmacy N has made a business decision to decline future sales of lethal injection chemicals to any state correctional department for use in executions, including to Nebraska.

8. Pharmacy N did not supply lethal injection chemicals to any state other than Nebraska.


9. Pharmacy N will not in the future supply lethal injection chemicals to any state under any circumstances.

10. Pharmacy N reasonably fears that if its identity is disclosed or revealed, anti-death penalty advocates will harass and retaliate against Pharmacy N, resulting in physical and financial harm to Pharmacy N, its owner(s), and its employees.

11. Pharmacy N's fears are based, in part, on documentary evidence of threats, harassment, and boycotts to which other suppliers of lethal injection chemicals have been subjected as a result of their lawful decision to supply state correctional departments with chemicals needed to carry out executions.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of February, 2019.

  
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President of Pharmacy N